

Message Text

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ACTION ARA-10

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TAGS: PINT, PGOV, CI

SUBJECT: GOC ABOLISHES POLITICAL PARTIES AND PROHIBITS

POLITICAL ACTIVITY

REF: SANTIAGO 2026

1. THE NEW DECREE LAW 1697 OUTLAWING POLITICAL PARTIES CONTAINS SOME SIGNIFICANT PROVISIONS NOT FULLY COVERED IN REFTEL. IN ITS FIRST ARTICLE, THE NEW DECREE NOT ONLY DISSOLVES POLITICAL PARTIES BUT ALSO MAKES ILLEGAL ANY "PARTISAN POLITICAL ACTIVITY." SUCH ACTIVITY AS BROADLY DEFINED APPEARS TO INCLUDE EVEN PRIVATE ACTIONS TAKEN BY INDIVIDUALS WHICH HAVE A PARTISAN CHARACTER. THIS MIGHT INCLUDE, FOR EXAMPLE, PETITIONING THE JUNTA IN SUPPORT OF CAUSES ALSO SUPPORTED BY AN OUTLAWED POLITICAL PARTY. SPEAKING AS A LAWYER, A LABOR MINISTRY OFFICIAL TOLD EMBOFF THAT THE NEW DECREE WOULD OUTLAW EFFORTS BY TRADE UNION OFFICIALS TO REPEAL LAWS PROHIBITING UNION ELECTIONS, MEETINGS AND COLLECTIVE BARGAINING.

2. ARTICLE TWO PROVIDES FOR THE DISTRIBUTION OF THE PROPERTY OF THE BANNED POLITICAL PARTIES. WITH A SIGNIFICANT DIFFERENCE, LIMITED OFFICIAL USE

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IT FOLLOWS THE PROVISION OF THE CHILEAN CIVIL CODE THAT SUCH PROPERTY BE DISPOSED OF IN ACCORDANCE WITH THE STATUTES OF THE ORGANIZATION AFFECTED; IF THE STATUTES DO NOT PROVIDE FOR DISSOLUTION, THEN THE PROPERTY PASSES TO THE STATE FOR USE IN WYAS ANALOGOUS TO THOSE OF THE INSTITUTION -- THE LAST QUALIFICATION WOULD BE DIFFICULT TO APPLY TO PARTIES. WE UNDERSTAND FROM PRESS COMMENTARY THAT THE STATUTES OF THE TWO MOST IMPORTANT PARTIES

AFFECTED, THE CHRISTIAN DEMOCRATS AND CONSERVATIVE NATIONAL PARTY, DO NOT PROVIDE FOR DISSOLUTION; THEREFORE, THAT THE STATE TAKES THE PROPERTY. WE ASSUME THE PROPERTY WILL BE USED AS THE GOVERNMENT DECIDES, AS HAPPENED WITH THE PROPERTY OF THE DISSOLVED MARXIST PROPERTIES. IN EFFECT, THE PROPERTY WILL BE CONFISCATED WITHOUT COMPENSATION.

3. ARTICLE THREE ESTABLISHES PENALTIES FOR VIOLATIONS OF THIS LAW. THESE PENALTIES INCLUDE IMPRISONMENT FOR A MINIMUM OF TWO MONTHS TO A MAXIMUM OF 5 YEARS, EXILE WITHIN OR OUTSIDE CHILE AND THE POSSIBILITY OF FINES TALLING BETWEEN US \$3,000 AND US \$44,500 (IN PESO EQUIVALENTS). REPEAT OFFENDERS FACE MINIMUM FINES OF US \$15,200 TO A MAXIMUM FINE OF US \$ 61,000. THE PERSONS FINED UNDER THIS PROVISION AND UNABLE TO PAY ARE SENTENCED TO JAIL FOR UP TO ONE YEAR UNDER EXISTING PROVISIONS OF THE PENAL CODE.

4. THE DECREE LAW PROVIDES ALSO THT CASES ARISING UNDER IT WILL BE TRIED IN THE CIVIL COURTS, WITH THE COURT OF APPEALS HAVING PRIMARY JURISDICTION.

5. FINALLY, THE LAST ARTICLE OF DL-1697 ONCE AGAIN AMENDS ONE OF THE CONSTITUTIONAL ACTS PROMULGATED LAST SEPTEMBER -- PROVISIONAL ARTICLE SEVEN OF ACT NO. THREE ON RIGHTS AND DUTIES. AS WE UNDERSTAND THE EMENDMENT'S SIGNIFICANCE, IT SUSPENDS INDEFINITELY THE EXERCISE OF THE POLITICAL RIGHTS, INCLUDING PARTY ACTIVITY, GUARANTEED BY ARTICLE NINE OF THE 1925 CONSTITUTION, WHEREAS THE ORIGINAL WORDING OF THE PROVISIONAL ARTICLE TIED THE SUSPENSION TO THE SITUATION OF EMERGENCY PREVAILING IN CHILE AFTER

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THE COUP. THAT LINKAGE IS NOW BROKEN, AND SONSTITUTIONALLY, THE SUSPENSION OF POLITICAL RIGHTS MAY CONTINUE EVEN AFTER THE EMERGENCY SITUATION PASSES.
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